

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 DARK CATT STUDIOS HOLDINGS, INC.,
11 et al.,

12 v.
13 Plaintiffs,

14 VALVE CORPORATION,
15 Defendant.

CASE NO. C21-0872-JCC

ORDER

16 This matter comes before the Court on Defendant's motion to seal (Dkt. No. 36.) "There
17 is a strong presumption of public access to the court's files." W.D. Wash. Local Civ. R. 5(g)(3);
18 *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978). However, documents filed in
19 support of a dispositive motion should remain under seal when a party can "articulate[]
20 compelling reasons supported by specific factual findings" that outweigh the public's interest in
21 access. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006).

22 Defendant moves to maintain under seal (a) an unredacted version of its motion to
23 dismiss and (b) an exhibit in support of that motion. (Dkt. No. 36.) The exhibit contains excerpts
24 from the Steam Distribution Agreement ("SDA") between the parties, (Dkt. No. 40), and the
25 redactions in Defendant's motion to dismiss contain language from that same SDA. (*Compare*
26 Dkt. No. 38 at 26–27, with Dkt. No. 42 at 26–27.)

Defendant asserts that the SDA represents confidential business information regarding the terms of its agreement with game publishers. (Dkt. No. 36 at 3.) In support, Defendant provides a declaration from counsel indicating that disclosure of this information, which is subject to a nondisclosure provision, “could result in harm to [Defendant’s] competitive standing by providing competitors unfair insight into the terms of [Defendant’s] business relationships.” (Dkt. No. 37 at 2; *see* Dkt. No. 36 at 3.)

The cursory assertion provided by Defendant is not sufficient to establish compelling reasons outweighing the public's interest in access to the Court's files. Namely, the assertion does not indicate *how* disclosure would harm Defendant's competitive standing. This is particularly true, given the Court's observation that, based on public filings in this matter and in *Wolfire Games, LLC, et al., v. Valve Corporation*, C21-0563-JCC (W.D. Wash 2021), the terms at issue are presently in the public domain.

Therefore, Defendant's motion to seal (Dkt. No. 36) is DENIED. The Clerk is DIRECTED to unseal Docket Numbers 40 and 42.

DATED this 6th day of October 2021.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE